Remarks

The present response is to the Office Action mailed in the above referenced case on August 25, 2004. Claims 1-16 are presented below for examination. The Examiner has objected to the disclosure due to informalities. In response, applicant herein amends the portion of the specification referenced by the Examiner to overcome the objection.

Claims 1, 2, 5-11 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Zollinger et al. (U.S. 5,999,947), hereinafter Zollinger. Claims 3, 4, 12 and 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Zollinger, in view of Wu (U.S. 6,463,947), hereinafter Wu.

Applicant has carefully studied the prior art references provided by the Examiner, the Examiner's rejections and statements of the instant Office Action, and the claims in the instant application as originally filed. In response, applicant provides arguments that not all of the limitations of the standing claims are taught, suggested or suggested by the prior art references provided. Applicant points out and argues the key and patentable limitations of the claims, which the Examiner appears to misunderstand his rejections and statements.

The Examiner has stated in his remarks that, as per claim 1, the reference of Zollinger discloses applicant's system for synchronizing data records between a network data server and a requesting client device (col. 2,lines 63-67, col. 3,lines 49-52, and col. 4 lines 28-33), comprising all of applicant's claimed limitations including that the server maintains a second database table of unique identifiers for candidate data records to be sent to the client (col. 3, lines 30-52). The Examiner adds that the server receives the request and first table from the client, compares the two database tables, and then only sends the client those records as

indicated by comparison as being new to the client and notification of the database table updates (col. 3, lines 52-64). Applicant respectfully disagrees with the Examiner's interpretation of the prior art as reading on all of applicant's claimed limitations.

Applicant wishes to clearly point out to the Examiner the distinct differences between the teachings of Zollinger and that of applicant's invention. Specifically, referring to Fig. 6 of Zollinger, wherein a flowchart showing the processing steps taken by the server synchronizer component is illustrated, in the first process step 94, difference updates with version numbers are periodically created and stored at the network server. Applicant respectfully points out that these are entire tables containing data records, which is clearly disclosed in the specification with reference to Fig. 6, (col. 11, line 65 to col. 12, line 9).

According to the teachings of Zolllinger, originally, the server and client have tables of the same version. Meanwhile, the server periodically updates it's stored tables and uniquely identifies the tables with version identifiers, which are sequentially assigned to the stored tables as periodic updates are performed on the tables. When the client contacts the server with the synchronization request, the server determines the table version(s) of the client (step 102) and the server then compares the client table version with the updated table version stored, and calculates the difference updates (step 106), the differences are translated from the generic format to database engine instructions according to the client computer's database engine (step 108), and the instructions along with the current table version are then transmitted to the client computer for making the database table current. Although it is not explicitly disclosed in the specification of Zollinger exactly how the updates are performed on the client computer, applicant strongly believes that since only instructions and the version number are sent to the client, it must be true that the client must then interpret the instructions and

then contact the server again, and utilize the instructions for obtaining the updated data from the server to make the client table current.

It is important to note that in the invention of Zollinger, it is the tables which are updated, identified by version numbers, etc., and stored, which the server compares to the client table version detected. The updates cannot be read and translated as only differences, and the unique identifiers of the tables of Zollinger, therefore, cannot be equated to the unique identifiers of the separate data records of applicant's invention.

Referring now to applicant's claim 1, the claim language specifically recites "... the server maintains a second table of unique identifiers for candidate data records (updates) to be sent to the client..." In applicant's invention, it is the data records themselves which have unique identifiers, not complete tables containing data records, as in the art of Zollinger. Zollinger is not identifying data records of a table separately, as in applicant's invention; rather, it is the tables stored in the server which are uniquely identified, using version numbers, date stamps, etc. (col. 3, lines 47-49).

The key and important difference is that the compared tables of applicant's invention are tables of identifiers, whereas the tables of Zollinger are tables of data elements, and it is the tables which are uniquely identified in Zollinger, not the separate data elements themselves, as in applicant's invention. The comparison performed in applicant's invention is between the unique identifiers of the client data elements and the server data elements, and does not compare the versions of the client and server tables of data elements as in Zollinger. The invention of Zollinger addresses a different problem than that of applicant's invention, namely, reducing the amount of data sent between the client and server, to reduce the impact of the available bandwidth for the data transmissions. Zollinger addresses the problem of ensuring that the correct data table versions

are maintained at both the client and server side, and that only the difference updates are sent to the client. Zollinger therefore teaches an alternative invention for solving an alternative problem, having a different expected end result, and achieving it in a different manner.

For the reasons pointed out and argued above by applicant, Zollinger clearly fails in anticipating all of the limitations of applicant's claim 1, and is an improper primary reference in a prima facie rejection. Applicant's independent claim 9 is the method claim in accordance with the limitations of claim 1, and also recites in step (a) "maintaining a first table of unique identifiers (not versions of tables), and in step (c), maintaining a second table of unique identifiers, and in step (d), comparing the first and second tables of unique identifiers (not tables of data elements) to determine which records are new records not already at the client device. Claim 9 is therefore also clearly and unarguably patentable over Zollinger as argued above by applicant on behalf of claim 1.

The Examiner has rejected claims 3, 4, 12 and 13 as being unpatentable over Zollinger in view of Wu. The Examiner has relied on the reference of Wu for teaching the well-known aspect of the cyclic redundancy check (CRC) function. The claims are all independent claims, and as Zollinger is clearly an improper primary reference as argued above by applicant on behalf of the independent claims, the combined references fail to teach, suggest or intimate all of the limitations of applicant's claims. Depending claims 2-8 and 10-16 are then patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination have been shown to be patentable over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this response, such extension of time is hereby requested. If there are any fees due beyond any

fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,

Sin-Mei Tsai et al.

by _____
Donald R. Boys
Reg. No. 35,074

Donald R. Boys
Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457